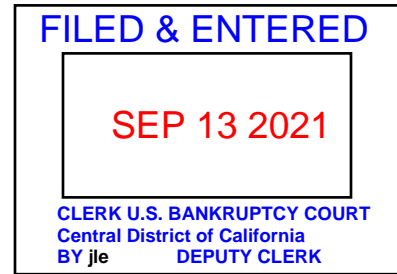


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RICHARD A. MARSHACK  
8



9 UNITED STATES BANKRUPTCY COURT  
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re  
12 NORTHERN HOLDING, LLC,

13  
14  
15  
16 Debtor.  
17

Case No. 8:20-bk-13014-MW

Chapter 7

ORDER GRANTING MOTION FOR  
ORDER COMPELLING TURNOVER OF  
ESTATE PROPERTY PURSUANT TO  
11 U.S.C. § 542(A) AND FOR  
DETERMINATION THAT EVICTION  
MORATORIA DO NOT APPLY TO  
TURNOVER OF BANKRUPTCY ESTATE  
PROPERTY

- EXHIBIT ATTACHED  
(SIGNATURE PAGE)

Hearing:

Date: August 30, 2021

Time: 2:00 p.m.

Place: 6C<sup>1</sup>

411 W. Fourth Street, Santa Ana, CA

23 On August 30, 2021, at 2:00 p.m., the motion (the “Motion”) for entry of an order  
24 (A) compelling turnover of real estate and various personal property assets located at 2380 Live Oak  
25 Rd., Paso Robles, CA (“Live Oak Property”); (2) 1172 San Marcos Road, Paso Robles, CA 93446  
26 (“San Marcos Property”), and (3) real property located at APN 027-145-022 in Paso Robles, CA  
27

28  
<sup>1</sup> Effective as of July 19, 2021, in-person hearing appearances are allowed before Judge Wallace.  
Otherwise, telephonic appearances are permitted pursuant to the Court’s procedures.

1 (“Texas Road Property,” collectively with the Live Oak Property and the San Marcos Property, the  
2 “Properties”); and (B) establishing procedures for enforcement of the turnover, filed by Richard A.  
3 Marshack, in his capacity as Chapter 7 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of  
4 Northern Holding, LLC (“Debtor”), on August 2, 2021, as Dk. No. 162, was heard before the  
5 Honorable Mark S. Wallace, United States Bankruptcy Judge. The Court considered the Motion, the  
6 supplemental brief filed on August 9, 2021, as Docket No. 185 regarding the CDC moratorium on  
7 evictions as of August 3, 2021, the Opposition filed by Erich Russell and Joanne Russell, the  
8 Trustee’s reply, and the request for judicial notice filed on August 27, 2021 as Docket No. 202  
9 attaching a decision from the United States Supreme Court.

10 At the hearing, Tinhó Mang appeared on behalf of the Trustee. Kari Ley appeared on behalf  
11 of Joanne Russell and Erich Russell. Reed S. Waddell appeared on behalf of Farm Credit West,  
12 FCLA (“FCW”). For the reasons set forth in the Trustee’s reply, and as modified on the record and  
13 by the stipulation filed as Docket No. 207 (“Russell Stipulation”), the Court enters its order as  
14 follows:

15 IT IS ORDERED that:

- 16 1. The Motion is granted in its entirety as to Sarah Garrett and Brice Garrett  
17 (“Garretts”);
- 18 2. The Garretts must vacate and turn over possession of the Properties to the Trustee,  
19 including specifically the Live Oak Property and the residence located thereon, by midnight within  
20 seven days of entry of this order (“Garrett Turnover Deadline”).
- 21 3. The Russell Stipulation is approved in its entirety.
- 22 4. As set forth in the Russell Stipulation, Joanne Russell and Erich Russell (“Russells”)  
23 must vacate and turn over possession of the Properties to the Trustee, including specifically the Live  
24 Oak Property and the residence located thereon, by 11:59 p.m. on November 15, 2021 (“Russell  
25 Turnover Deadline”). Pursuant to stipulation, the lease agreement entered into between the Debtor  
26 and the Russells on October 27, 2020 (“Live Oak Lease”) is terminated and all right and interest of  
27 the Russells under the Live Oak Lease, including any leasehold, equitable, reversionary, or  
28 possessory interest, is terminated.

1           5.       No moratorium on evictions, whether under state or federal law, applies to the  
2 Russells or the Garretts (collectively, "Occupants").

3           6.       Occupants are expressly prohibited from damaging the Properties or removing any  
4 Estate property, including fixtures, appliances, inventory, machinery, and equipment.

5           7.       The Russells shall not interfere with the Trustee's access or control of the Live Oak  
6 Property and shall comply with all requests for access by the Trustee. The Russells shall not obstruct  
7 or conceal any information from the Trustee regarding the Live Oak Property. The Russells shall  
8 permit showings of the Live Oak Property by the Trustee upon 24 hours' notice.

9           8.       The Garretts shall pay and turn over unpaid, delinquent rent at the rate of \$1,200 per  
10 month to the Trustee. The rent shall be calculated based on an occupancy starting date of March 1,  
11 2021 and shall continue at the rate of \$1,200 per month, pro-rated for any month of partial  
12 occupancy. As of September 1, 2021, past due, unpaid rent equals \$7,200. The clerk of court may  
13 issue an abstract of judgment in accordance with the past due, unpaid rent obligations.

14          9.       Upon full performance of the terms in the stipulation, including the timely move-out  
15 and turnover of the Properties by the Russells, the Trustee is authorized to waive any claim for  
16 delinquent or unpaid rent arising under the Live Oak Lease at the rate of \$12,000 per month,  
17 effective as of the Russell Turnover Deadline, without further Court order.

18          10.      Pursuant to Federal Rule of Bankruptcy Procedure 7070, the Clerk of Court is  
19 authorized to issue a Writ of Assistance consistent with this Order should any Occupants fail to  
20 voluntarily vacate the Properties by the stated deadlines above, and the Trustee is authorized to seek  
21 relief on an *ex parte* basis and request procedures for the disposal of personal property. The Clerk of  
22 Court may also issue a writ of execution consistent with this Order to enforce the turnover of rents.

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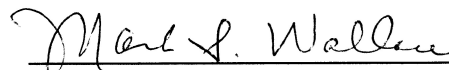
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1 The United States Marshals Service and local law enforcement are authorized to effectuate an  
2 eviction of all Occupants to turn over possession of the Properties to the Trustee or his agents should  
3 the Occupants fail to comply with the deadlines stated herein, including the use of any reasonable  
4 force necessary to effectuate such order.

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23 Date: September 13, 2021

  
Mark S. Wallace  
United States Bankruptcy Judge

1 SIGNATURE PAGE TO ORDER GRANTING MOTION FOR ORDER COMPELLING  
2 TURNOVER OF ESTATE PROPERTY PURSUANT TO 11 U.S.C. § 542(A) AND FOR  
3 DETERMINATION THAT EVICTION MORATORIA DO NOT APPLY TO TURNOVER OF  
BANKRUPTCY ESTATE PROPERTY

4 Approved as to Form:

5  
6 FRANDZEL ROBINS BLOOM &  
7 CSATO, L.C.

8   
9 REED S. WADDELL, Counsel for  
FARM CREDIT WEST, FLCA

10  
11 THE LAW OFFICES OF KARI L. LEY  
12

13 \_\_\_\_\_  
14 KARI L. LEY, Counsel for  
ERICH RUSSELL and JOANNE RUSSELL  
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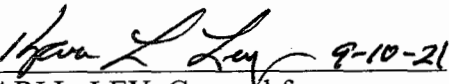
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FARM CREDIT WEST, FLCA

THE LAW OFFICES OF KARI L. LEY

 9-10-21  
KARI L. LEY, Counsel for  
ERICH RUSSELL and JOANNE RUSSELL

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*[See Attached Signature Page]*

\_\_\_\_\_  
REED S. WADDELL, Counsel for  
FARM CREDIT WEST, FLCA

THE LAW OFFICES OF KARI L. LEY

*[See Attached Signature Page]*

\_\_\_\_\_  
KARI L. LEY, Counsel for  
ERICH RUSSELL and JOANNE RUSSELL